

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Shelby Winning,	:	Case No. 5:07CV3688
	:	
Plaintiff	:	Judge Kathleen O'Malley
	:	
v.	:	Magistrate Judge David S. Perelman
	:	
Commissioner of Social Security,	:	REPORT AND RECOMMENDED
	:	DECISION
Defendant	:	

This defendant has moved to remand this action pursuant to the sixth sentence of 42 U.S.C. §405(g) for the reason that "significant portions of the claim file, including the recording of the [de novo evidentiary] hearing held on January 11, 2007" cannot be located.

It is recommended that this motion be granted.

s/DAVID S. PERELMAN
United States Magistrate Judge

DATE: February 13, 2008

OBJECTIONS

Any objections to this Report and Recommended Decision must be filed with the Clerk of Courts within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the District Court's order. *See, United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See, also, Thomas v. Arn*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986).